

ABRIDGED SUMMARY OF CATEGORICAL USE OF FORCE INCIDENT AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

OFFICER-INVOLVED SHOOTING – 0032-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
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West Valley	7/25/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	10 years, 2 months
Officer B	14 years, 4 months

Reason for Police Contact

Officers responded to a radio call of an ambulance cutting. When officers contacted the suspect, he was crouched down and stabbing the victim with a box cutter. The suspect refused to comply with the officers’ commands to move away from the victim and to *“drop the knife.”*

Officers fired a 40mm Less-Lethal Launcher (LLL) at the suspect but missed. The suspect continued to stab the victim resulting in an Officer-Involved Shooting.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Male: 44 years of age.

Board of Police Commissioners’ Review

This is a brief summary designed only to enumerate salient points regarding this categorical use of force (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division (FID) investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police (Chief); and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on June 11, 2024.

Incident Summary

On July 25, 2023, at approximately 1057 hours, an individual later identified as the Subject, drove into the north driveway of a shopping center. The Subject stopped his vehicle at an angle in the driveway, blocking the sidewalk and exited the vehicle, leaving the engine running.

Security video captured the Subject approach an SUV stopped in a parking stall occupied by Witness A. According to Witness A, the Subject approached him and he could see that the Subject was holding a knife to his own throat.

When interviewed, multiple witnesses and the victim described the weapon used by the Subject as a knife when in fact the weapon used was a box cutter.

Witness A exited his vehicle and walked into a restaurant with multiple customers instead of his own business, where he would be alone. The Subject continued south in the shopping center past the restaurant.

At approximately 1100 hours, the Victim walked into the Market. The Victim spoke to the owner, Witness B, and asked to make a purchase.

Security video from a Hookah Lounge depicted the Subject walking south in front of the Hookah Lounge holding a knife up to his own neck and entering the Market.

According to the Victim, the Subject entered the store, holding the knife and walked directly toward him. The Subject grabbed him by the neck with one hand as he held a knife in the other hand. The Subject asked, *"What's your name?"* According to the Victim he responded, *"I don't know you. Why I say my name?"* The Subject replied, *"No. Tell me your name."*

The video from the market surveillance system depicted the Subject holding a box cutter in his hand and swinging the knife at the Victim. The Victim grabbed the Subject's arms and a struggle ensued causing them to fall to the floor.

According to Witness B, he was speaking to Witness C when the Subject entered the market. Witness B observed the Subject with a *"knife"* in his hand and heard him ask the Victim, *"From where are you?"*

Witness B observed the Subject turn toward the Victim and attempt to strike him on his right side. The video from the market surveillance system depicts, Witness B and Witness C attempting to wrestle the box cutter away from the Subject but were unable. Witness C called 911 and reported the attack.

The video from the market surveillance system depicted a third male inside the market when the Subject entered the store who attempted to assist with disarming the Subject. That male has not been identified by FID detectives. Witness B refused to provide information on the unidentified male and did not

respond to FID detectives phone or email messages as of the completion of this investigation.

At 1109 hours, Communication Division (CD) broadcast the incident to the patrol units.

Communications Division assigned the radio call to Officers A and B. Officers A and B were equipped with Body Worn Video (BWV) and driving a marked black and white police vehicle.

Officers A and B acknowledged the call, responded Code Three and activated their BWV.

In the interim, inside the Market, the Victim, Witness B, Witness C and the unidentified male customer continued fighting with the Subject to stop him from stabbing the Victim. The Subject stabbed the Victim repeatedly. Witness C described the Victim bleeding from his hand and shoulder.

According to Witness B, he attempted to keep the Subject from stabbing the Victim by grabbing the Subject's right hand that was holding the knife.

During the struggle, the Subject wrapped his legs around the Victim's waist while he continued the stabbing motions toward the Victim. The Victim was able to break free of the Subject's control and ran out of the market.

A security camera located inside the Hookah Lounge depicted the Victim, Witness B and the unknown male run out of the market. Witness B and the unknown male ran to the right between parked vehicles. The Victim went to the left and stopped between parked vehicles.

The Subject exited the market and directed his attention on the Victim. The video captured the sound of the Subject yelling at the Victim as he held the knife and stated, *"Show me inside. Show me inside now. Go inside and show me. Show me who's in there!"* Each time the Subject stepped closer to the Victim, the Victim took a step back in the direction of the market entrance. The Subject opened the door of the market and demanded for the Victim to enter the store. Security video from the Hookah Lounge pointed to the front door of the market captured the Subject following the Victim as they moved out of view of the camera. The Subject is heard saying, *"Get up."*

The security camera located inside the Hookah Lounge captured the Victim on the ground near the front entrance to the market. The audio captured the Subject saying, *"Put it on your kid, put it on your kid that you're Iraqi."* As the Victim attempted to get away to the north, the Subject stabbed him on the head. The Victim fell to the ground and landed in a seated position facing the Subject, as the Subject continued stabbing him.

The video depicted two other witnesses approach and attempt to talk to the Subject. Their interaction caused the Subject to briefly stop the attack on the Victim.

During the attack, three additional phone calls were made to 911. Communications Division broadcast additional information on the Subject's description and location

At 1113:34 hours, CD initiated the Weapons Other Than Firearms Protocol and West Valley Sergeant A, responded to the call.

Officer A stated, *"As we're going a second call comes out saying multiple victims stabbed."* Officer A believed, *"That it was an active scenario"* and *"That the suspect was attacking multiple people in the shopping center."* While responding, Officer A directed Officer B to deploy the 40mm LLL.

Officer B's BWV depicted him/her loading one round into the chamber of the 40mm LLL, turn on the optic and place it between his/her legs with the muzzle pointing at the floorboard.

According to Digital in Car Video (DICV), Officers A and B drove north. As the police vehicle approached, Witness C stood on the apron of the first driveway pointing in an easterly direction to the back of the shopping center.

According to Officer A, *"As we're approaching the Denny's we see a -- I see a male, at the driveway [...] flagging us down telling us that the suspect and the victims are east of us. We drive through the parking lot. A second individual is flagging us down saying, 'it's happening over here.'"*

Officer A described his/her observations as he/she drove closer to the Subject and the Victim who were on the east side of the shopping center, *"As we're approaching I see two males, looks like they're fist fighting. And looking at it now it's possibly the suspect stabbing at the victim. As we get out of the vehicle there -- they end up on the ground."*

Officer B broadcast they were Code Six and requested a back-up. Officer A stopped the vehicle approximately 10 to 15 feet behind a parked vehicle that was directly in front of the Subject. A witness pointed and directed the officers to the Subject and the Victim.

Officer B exited the vehicle with the 40mm LLL and immediately began yelling commands to the Subject to drop the knife. Officer B moved to an approximate distance of 15 feet from the Subject and stood next to a parked vehicle.

Officer B's BWV depicted the Subject and the Victim on the walkway between the storefronts and the parked vehicles. The Victim was heard screaming as he lay face down and bleeding.

The Subject was crouched over the Victim while holding the box cutter down toward the Victim.

Officer B used the optic and fired the 40mm LLL at the Subject from an approximate distance of 15 feet. The round did not make contact with the Subject or the Victim. Officer B stated he/she did not have an opportunity to give the Subject a verbal warning

prior to firing the 40mm LLL. He/she wanted for the Subject to drop the knife to prevent from further stabbing the Victim.

According to Officer B, he/she believed the first 40mm LLL round that he/she fired struck the Subject on the abdomen or chest area. A review of BWV appeared to show the 40mm LLL round strike the wall behind the Subject and deflect to the west.

Simultaneously, Officer A's BWV depicts him/her exit the vehicle and run toward the Subject and the Victim. Officer A unholstered his/her pistol and stopped approximately 11 feet from the Subject and stood next to a parked vehicle north of Officer B's position.

Officer B broadcast an "Officer Needs Help" call.

At 1115:55 hours, Officer B utilized the optic and fired a second 40mm LLL round at the Subject from an approximate distance of 15 feet. The round inadvertently struck the Victim on the back-left side of his torso.

After Officer B fired the second 40mm LLL round, the Subject momentarily stood up from his crouching position again placing the knife to his own neck while pulling on the Victim's shirt. The Subject suddenly crouched down again and stabbed the Victim's head. Officer A fired two rounds at the Subject from an approximate distance of 11 feet. The first round grazed the Subject's right shoulder and impacted the brick wall behind the Subject. The second round struck the Subject on the forehead, causing the Subject to fall on top of the Victim and lay motionless.

Officer B immediately broadcast, "10A67 shots fired, shots fired." The Subject was later declared deceased.

BWV and Digital In-Car Video (DICV) Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners' (BOPC) Findings

The BOPC reviews each categorical use of force (CUOF) incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: tactics of the involved officer(s), drawing/exhibiting of a firearm by any involved officer(s), and the use of force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Officers A and B's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers A and B's drawing and exhibiting of a firearm to be In Policy.

C. Less-Lethal Use of Force

The BOPC found Officer B's use of less-lethal force to be In-Policy.

D. Lethal Use of Force

The BOPC found Officer A's lethal use of force to be In Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly

evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a Subject and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the Subjected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;

- Whether the subject was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable

officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, Subjects, persons in custody, subjects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this Department that firearms shall not be fired at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be fired from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

Note: It is understood that the policy regarding firing a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), “[A] threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

Necessary: In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the subject leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

A. Tactics

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/her or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – At the time of the OIS, Officers A and B had been partners for approximately two years. During that time, they routinely discussed tactics, including roles of contact and cover, communication and debriefed tactical incidents. While en route to the location of the radio call, Officer A directed B to deploy the 40mm LLL. Officer B loaded a round into the chamber of the 40mm LLL, turned on

the optic and placed it between his/her legs, with the muzzle pointing at the floorboard. Officer B did so as he/she believed they were responding to an active scene and were going to have to react immediately.

Assessment – While en route to the radio call, Officer B provided Officer A updates related to the multiple calls being generated as the incident unfolded. When Officer B contacted the Subject, he/she assessed the Subject was armed with a box cutter and had a position of advantage over the Victim. Officer B gave the Subject numerous commands to drop the knife but the Subject refused to comply. Officer B fired a 40mm LLL round at the Subject in an attempt to have the Subject drop the knife but the Subject told officers that he would not drop it. Officer B further assessed and believed that the Subject would continue to harm the Victim therefore discharging a second round from the 40mm LLL. Officer A assessed the situation and observed the Subject stab the Victim in the head and discharged two rounds from his/her service pistol. According to Officer A, he/she assessed between both rounds and observed the Subject continue to stab the Victim after the first round and believed the Subject was going to kill him.

Time – Immediately after Officers B and A exited their police vehicle, they observed the Subject holding a knife over the Victim. Officers attempted to verbalize with the Subject to drop the knife but he refused to comply and continued to be an immediate threat to the Victim throughout the incident. The Subject's actions and demeanor prevented further de-escalating attempts and did not afford officers time to wait for additional resources. Officers A and B were compelled to react immediately to stop the Subject's imminent threat of serious bodily injury or death to the Victim .

Redeployment and/or Containment – Officers A and B utilized the cover of parked vehicles and triangulated on the Subject. The Subject was contained as the background was a brick storefront. Officers were not able to redeploy due to the Subject's imminent threat to the Victim.

Other Resources – As Officers A and B arrived at scene, Officer B went Code 6 and immediately broadcasted a backup request. Officer B broadcast a help call after he/she discharged his/her first 40mm LLL round. Following the OIS, Officer B broadcast, "Shots fired." Officers A and B observed [additional officers] at scene and approached the Subject to take him into custody. Officer A requested two RAs, one for the Subject and one for the Victim.

Lines of Communication – While en route to the radio call, Officers A and B discussed the comments of the radio call and designated roles of less-lethal and lethal roles. Upon their arrival at scene, Officers A and B observed the Subject armed with a knife and communicated with the Subject to drop the knife. As officers continued to give the Subject verbal commands, Officer B discharged the 40mm LLL and communicated with Officer A to be his/her Designated Cover Officer (DCO) as he/she reloaded.

Command and Control

Sergeant A was the first supervisor to arrive on scene after the OIS. Sergeant A declared him/herself the incident commander, gained situational awareness of the incident, requested additional supervisors to assist him/her, provided supervisory oversight to responding officers for crime scene establishment and directed officers to canvass the surrounding businesses for witnesses and potential victims. Sergeant A visually monitored and separated the primary officers until more supervisory personnel responded and advised FD to respond at the southeast side of Denny's. Sergeant A directed West Valley Area Detective A to complete a Public Safety Statement (PSS) on Officer A and directed West Valley Area Detective B, to complete a PSS on Officer B.

Detective A admonished Officer A not to talk about the shooting, took a PSS from Officer A and initiated separation and monitoring protocols. Detective B admonished Officer B not to talk about the shooting, took a PSS from Officer B and initiated separation and monitoring protocols. At approximately 1148 hours, the West Valley Patrol Division Watch Commander notified the Department Operations Center (DOC) of the incident.

The BOPC determined the overall actions of Sergeant A were consistent with Department supervisory training.

B. Drawing/Exhibiting

Officer A

Officer A responded to an "Ambulance Cutting" radio call and upon arrival, observed the Subject holding a knife while standing over the Victim, who was lying face down and bleeding. Officer A unholstered his/her service pistol because he/she believed the situation could escalate to the use of deadly force.

The UOFRB assessed Officer A's drawing and exhibiting of his/her service pistol. The UOFRB determined Officer A had a reasonable belief the situation could escalate to where deadly force would be justified. This belief was developed by Officer A's knowledge of the comments of the "ambulance cutting" radio call and his/her observation that the Subject was armed with a knife as he stood over the Victim. The UOFRB noted the Subject presented an imminent deadly threat to the Victim and opined it was reasonable for Officer A to unholster his/her service pistol based on the Subject being armed with a knife.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe there was a substantial risk the situation may escalate to where deadly force may be justified.

Therefore, the BOPC found Officer A's Drawing/Exhibiting to be In-Policy.

C. Less-Lethal Use of Force

Officer B – 40mm LLL – Discharged two rounds from an approximate distance of 15 feet.

Background – Officer B's background at the time of the 40mm LLL discharge was a brick exterior wall with a storefront window.

First Occurrence

Officer B exited the vehicle with the 40mm LLL and immediately began giving commands to the Subject to drop the knife and took cover by a parked vehicle. According to Officer B, he/she observed the Subject armed with what he/she believed was a box cutter. The Victim was bleeding profusely and the Subject was on top of him in a dominant position. The Subject refused to comply with the commands to drop the knife. At 1115:31 hours, Officer B aided by the optic, discharged a 40mm LLL sponge round at the Subject in an attempt to de-escalate the situation and have him drop the knife. The round did not strike the Subject. Officer B verbally advised Officer A to be his/her DCO as he/she reloaded the 40mm LLL.

Second Occurrence

Following the reload of the 40mm LLL, Officer B observed the Subject holding the knife down near his stomach area. Officers continued to give verbal commands to drop the knife; however, the Subject refused. At 1115:55 hours, Officer B utilized the optic and fired a second 40mm LLL round at the Subject from an approximate distance of 15 feet. The round inadvertently struck the Victim on the back-left side of his torso.

The UOFRB assessed both of Officer B's 40mm LLL applications during the incident. The UOFRB noted Officer B gave multiple commands to the Subject to drop the knife as he/she observed the Subject in a position of advantage over the Victim, who was lying face down and bleeding profusely. Officer B discharged his/her first 40mm LLL at the Subject because he refused to comply with commands and he posed an immediate threat to the Victim. The UOFRB opined the Subject's actions met the threshold of an immediate threat to the Victim.

The UOFRB assessed Officer B's second discharge of the 40mm LLL. The UOFRB noted after the first discharge of the 40mm LLL and continual verbal commands for the Subject to drop the knife, the Subject not only refused to comply, he told officers he would not drop it. The UOFRB opined the Subject's actions continued to be an immediate threat to the Victim therefore justifying Officer B's second discharge of the 40mm LLL.

The UOFRB noted Officer B did not give the Subject a warning prior to discharging the 40mm LLL and opined the issuance of a warning was not feasible as there was no time. Within five seconds of his/her arrival at scene, Officer B observed the

Victim bleeding profusely on the ground and the Subject on top of him holding a box cutter. Officer B recognized the immediate threat posed by the Subject and discharged the 40mm LLL to prevent further harm to the Victim . Furthermore, the UOFRB opined the officers faced a hostage situation upon contacting the Subject and the element of surprise was necessary when the 40mm LLL rounds were deployed.

The BOPC concurred with the UOFRB's assessment that Officers A and B were faced with a hostage situation when they contacted the Subject. When faced with a hostage situation, a tactical plan may require the element of surprise to stabilize a situation; therefore, a Use of Force Warning is not required. Furthermore, A and B were faced with a lethal force situation and they issued commands for the Subject to drop the knife instead of issuing a Less-Lethal Warning, which was the appropriate response.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B in the same situation, would reasonably believe the use of less-lethal force was objectively reasonable.

Therefore, the BOPC found Officer B's Less-Lethal Use of Force to be In Policy.

D. Lethal Use of Force

- **Officer A** – Semi-automatic pistol, two rounds in a downward direction, in approximately 0.695 seconds, from an approximate distance of eleven feet.

Background

The incident occurred in a shopping center located on the northeast corner of Reseda Boulevard and Saticoy Street. The shopping center consists of multiple attached businesses on the east side and a restaurant on the southwest corner. Officer A's background was a brick exterior wall with a storefront window. According to Officer A, there were no pedestrians in the background at the time of the OIS.

Round One

After Officer B discharged the second 40mm LLL round, the Subject momentarily stood up from his crouched position and placed the knife to his own neck while pulling on the Victim's shirt. The Subject suddenly crouched down again and stabbed the Victim in the head. Officer A believed the Subject was going to kill the Victim and had no other option but to use lethal force. Officer A raised his/her service pistol and discharged one round from an approximate distance of 11 feet. The first round grazed the Subject's right shoulder and impacted the brick wall behind the Subject.

Round Two

According to Officer A, after he/she fired the first round, the Subject was still making the same stabbing movement so he/she discharged a second round from the same distance. The second round struck the Subject on the forehead, causing him to fall on top of the Victim and lay motionless.

The UOFRB evaluated the circumstances and evidence related to the OIS. The UOFRB noted following Officer B's second 40mm LLL discharged round, the Subject momentarily stood up from his crouched position and placed the knife to his own neck while pulling on the Victim's shirt. Officers A and B continued to give verbal commands to the Subject to drop the knife but the Subject refused to comply. The UOFRB acknowledged the officers' restraint by not utilizing force when the Subject was threatening self-harm and their continued verbal de-escalation attempts. However, the Subject suddenly crouched down again and stabbed the Victim in the head, prompting Officer A to discharge two rounds from his/her service pistol. The UOFRB determined the Subject's refusal to comply with officers' commands and his continued harm to the Victim demonstrated the Subject's ability, opportunity and intent to cause imminent serious bodily injury or death to the Victim, which left Officer A with no other option but to use lethal force to stop the Subject's attack. The UOFRB opined the use of lethal force was objectively reasonable, proportional and necessary.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, in the same situation, would reasonably believe the use of lethal force was objectively reasonable, proportional and necessary.

Therefore, the BOPC found Officer A's use of Lethal Force to be In Policy.